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**REVOCATION OF POWER OF  
ATTORNEY WITH  
NEW POWER OF ATTORNEY  
AND  
CHANGE OF CORRESPONDENCE  
ADDRESS**

Application Number	10/821,710
Filing Date	APRIL 8, 2004
First Named Inventor	GRAHAM, ET AL.
Art Unit	1636
Examiner Name	DANIEL M. SULLIVAN
Attorney Docket Number	BSN/0022: C2

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**JAN 05 2006**

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

A Power of Attorney is submitted herewith.

OR

I hereby appoint the practitioners at Customer Number: 26290

Please change the correspondence address for the above-identified application to:

The address associated with  
Customer Number: 26290

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City		State	ZIP
Country			

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

Signature			
Name	Sarah J. Brashears		
Date	22 Dec 2006	Telephone	650-564-9850 ext. 1105
Signature			
Name	Jack Steele		
Date	21 December 2005	Telephone	011-612-9490-8299 5636

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below.

Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to be paid by the USPTO to process the application. Confidentiality is provided by 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form under suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9799 and select option 2.

Revocation of Power of Attorney SB-82;DOC

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Michael W. Graham, et al.

Application No./Patent No.: 10/621,710

Filed/Issue Date: April 8, 2004

Entitled: Control of Gene Expression

Commonwealth Scientific and Industrial Research Organization, a Government Agency and;

Berilio Australia Limited, an Australian Corporation.

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, University, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title, and interest

The agent (by percentage) of its ownership interest is \_\_\_\_ %

In the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s) of the patent application/patent identified above, to the current assignee, as shown below:

1. From: Michael W. Graham and Robert N. Rice To: Berilio Australia Limited and State of Queensland  
through its Department of Primary Industries

The document was recorded in the United States Patent and Trademark Office at:  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: State of Queensland through its Department of Primary Industries To: Commonwealth Scientific and Industrial Research Organization

The document was recorded in the United States Patent and Trademark Office at:  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

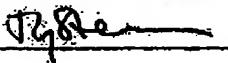
Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

  
Signature

  
Signature

Vice President-LP

Chief of Staff

Title

Title

Sarah J. Brashears

Jack Steele

Printed or Typed Name

Printed or Typed Name

22 Dec 2006

21 December 2005

Date

Date

550-584-9850 ext. 1106

011-612-0490-5086

Telephone Number

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is provided by 35 U.S.C. 122 and 37 CFR 1.11 and 1.15. This exhibition is estimated to take 12 minutes to complete, including generating, preparing, and submitting the completed Application Form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 7-590-770-0709 and select option 2.

Statement Under 37 CFR 3.73(b) SB-98.DOC

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JAN 10 2006

Application No.: Pending  
Filing Date: Herewith

PATENT  
Client Code: DAVI105.001APC  
Page 1

## ASSIGNMENT

WHEREAS, We, Michael Wayne Graham, a Australian citizen, residing at 12 Lant Street, Chapel Hill, Queensland 4075, Australia, and Robert Norman Rice, a Australian citizen, residing at 39 Foley Place, Sinnamon Park, Queensland 4073, Australia, have invented certain new and useful improvements in a CONTROL OF GENE EXPRESSION for which we have filed the initial documents for the U.S. National Phase of International Application No. PCT/AU99/00195 on September 20, 2000;

AND WHEREAS, Benitec Australia, Ltd., with its principal place of business at Level 4, 62 Pitt Street, Sydney, NSW 2000, Australia, and the State of Queensland through its Department of Primary Industries (hereinafter "ASSIGNEES"), with its principal place of business at 80 Ann Street, Brisbane, Queensland 4000, Australia, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 19 day of October, 2000

Michael Wayne Graham

Witness

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 19 day of October, 2000

Robert Norman Rice

Witness

BLAKE DAWSON WALDRON  
P A T E N T   S E R V I C E S

# Deed of Assignment

**State of Queensland**  
through its Department of Primary Industries

**Commonwealth Scientific and Industrial Research Organisation**

Blake Dawson Waldron Patent Services  
Level 39, 101 Collins Street  
Melbourne VIC 3000  
Telephone: + 61 3 9679 3065  
Fax: + 61 3 9679 3111

Ref: WJP IP CLN 1303 9625

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## ASSIGNMENT OF APPLICATIONS AND PATENTS

DATE 8 December 2003

## PARTIES

**State of Queensland through its Department of Primary Industries, of Primary Industries Building, 80 Ann Street, Queensland (Assignor)**

**Commonwealth Scientific and Industrial Research Organisation a body corporate established by the Commonwealth Science and Research Act 1949 and having its principal office at Limestone Avenue, Campbell in the Australian Capital Territory (Assignee)**

## RECITALS

The Assignor assigns all of its rights and interests in the Applications and Patents set out in the attached Schedule to the Assignee, on the terms set out in this Deed of Assignment.

## OPERATIVE PROVISIONS

## 1. DEFINITIONS

The following definitions apply in this document.

**Applications** means the patent applications described in the Schedule and any divisional applications from any of them and any amendments, continuations or continuations-in-part of any of them.

**Benitec Australia Limited**, ACN 080 299 645, of Suite 4, 242 Hawken Drive, St Lucia, Queensland (Benitec Australia)

**Patents** means the registered patents described in the Schedule and any divisional applications from any of them and any amendments, extensions, re-issues, or re-grants of any of them.

## 2. ASSIGNMENT

In consideration of the sum of \$1 and other good and valuable consideration now paid by the Assignee to the Assignor, receipt of which the Assignor acknowledges, the Assignor, as beneficial owner, assigns to the Assignee all its rights and interests in:

- (a) the Applications; and
- (b) the Patents.

## 3. REGISTRATION

The Assignor undertakes at the expense of the Assignee to do all acts and execute all documents necessary to ensure that the Applications and the Patents will issue jointly in the names of Benitec Australia Limited and the Assignee. In the event of default by the Assignor to perform such acts or execute necessary documents, but only after the Assignor has been given a proper and reasonable opportunity to perform the acts or

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3.

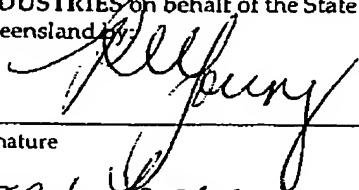
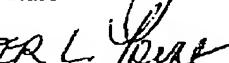
execute the documents, the Assignor appoint the nominee of the Assignee as the Assignor's attorney for that purpose.

**4. GOVERNING LAW**

This Deed is governed by the law of New South Wales. The parties submit to the non-exclusive jurisdiction of courts exercising jurisdiction there.

EXECUTED as a deed this 8<sup>th</sup> day of December 2003

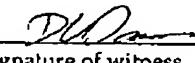
EXECUTED for and on behalf of the  
DEPARTMENT OF PRIMARY  
INDUSTRIES on behalf of the State of  
Queensland by:

  
Signature  
PETER L. YEAT

Name and position

Director Biotechnology

DPI

  
Signature of witness

Debra Davis

Name of witness

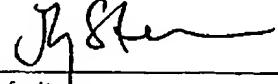
EXECUTED for and on behalf of the  
COMMONWEALTH SCIENTIFIC AND  
INDUSTRIAL RESEARCH  
ORGANISATION by:

  
Signature

M. BAGHAI, Exec Director

Name and position

BD: C

  
Signature of witness

J. STEENE

Name of witness

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4.

**AGREEMENT TO ASSIGNMENT**

Benitec Australia Limited, ACN 080 299 645, of Suite 4, 242 Hawken Drive, St Lucia, Queensland hereby acknowledges its agreement to the assignment set out above.

SIGNED, SEALED AND DELIVERED for and on behalf of *Kel Jan*  
~~THE COMMON SEAL of BENITEC~~  
AUSTRALIA LIMITED, the fixing of  
which was witnessed by:

*John*  
Signature of director

Name

*Kel Jan*  
Signature of director/secretary

Name

*Tom A. McKinley*

Name

*KEN C. REED*

Name

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5.

**SCHEDULE**  
**APPLICATIONS AND PATENTS**

**Granted Patents**

Graham, M.W. and Rice, R.N. (2001) Control of gene expression. ZA 2000/4507.

Graham, M.W. and Rice, R.N. (2002) Control of gene expression. AU 2001100608.

Graham, M.W. and Rice, R.N. (2002) Control of gene expression. SG 75542.

Graham, M.W. and Rice, R.N. (2003) Genetic constructs for delaying or repressing the expression of a target gene. US 6,573,099.

Graham, M.W. and Rice, R.N. (2003) Control of gene expression. GB 2353282.

**Accepted Patents**

Graham, M.W. and Rice, R.N. (2001) Control of gene expression. AU 743316.

Graham, M.W. and Rice, R.N. (2003) Control of gene expression. NZ 506648.

**Patent Applications**

Graham, M. W. and Rice, R.N. (US 09/997/905) Synthetic Genes and genetic constructs comprising same I.

Graham, M.W. and Rice, R.N. (US 10/346,853) Synthetic genes and genetic constructs comprising same I.

Graham, M.W. and Rice, R.N. (WO 99/49029 (PCT/AU/99/00195)) Control of gene expression.

Graham, M.W. and Rice, R.N. (BR PI9908967-0) Control of gene expression.

Graham, M.W. and Rice, R.N. (CA 2,323,726) Control of gene expression.

Graham, M.W. and Rice, R.N. (CN 99804255-2) Control of gene expression.

Graham, M.W. and Rice, R.N. (CZ PV2000-3346) Control of gene expression.

Graham, M.W. and Rice, R.N. (EP 99910039.9) Control of gene expression.

Graham, M.W. and Rice, R.N. (HK 01105904.3) Control of gene expression.

Graham, M.W. and Rice, R.N. (HU PO101225) Control of gene expression.

Graham, M.W. and Rice, R.N. (IN 2000/00169/DEL) Control of gene expression.

Graham, M.W. and Rice, R.N. (JP P2000-537990) Control of gene expression.

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Graham, M.W. and Rice, R.N. (KR 7010419/2000) Control of gene expression.

Graham, M.W. and Rice, R.N. (MX 008631) Control of gene expression.

Graham, M.W. and Rice, R.N. (PL P.343064) Control of gene expression.

Graham, M.W. and Rice, R.N. (SK PV1372-2000) Control of gene expression.

Graham, M.W. and Rice, R.N. (AU 95225/01) Control of gene expression.

Graham, M.W. and Rice, R.N. (AU 35647/02) Control of gene expression.

Graham, M.W. and Rice, R.N. (NZ 525941) Control of gene expression.

Graham, M.W. and Rice, R.N. (SG 200205122-5) Control of gene expression.

Graham, M.W. and Rice, R.N. (US 09/646,807) Control of gene expression.

**Priority Documents**

Graham, M.W. (1998) Synthetic genes and genetic constructs comprising same I. AU PP2492/98.

Graham, M.W. and Rice, R.N. (1998) Gene expression I. AU PP2499/98.

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